

## Montana Transportation Commission

**March 1, 2006 meeting ~ 8:30 am**

Commission Room

Montana Department of Transportation Headquarters Building

2701 Prospect Avenue~ Helena, Montana

### In attendance:

Bill Kennedy, Transportation Commission Chair  
Nancy Espy, Transportation Commission Vice Chair  
Kevin Howlett, Transportation Commissioner  
Rick Griffith, Transportation Commissioner  
Deb Kottel, Transportation Commissioner  
Jim Lynch, Director –Montana Department of Transportation (MDT)

Jim Currie, MDT Deputy Director  
Tim Reardon, MDT Chief Counsel  
Sandra Straehl, MDT Rail, Transit & Planning Administrator  
Loran Frazier, MDT Chief Engineer  
Mike Duman, Assistant FHWA Division Administrator  
Ted Burch, FHWA Program Development Engineer

*Please note:* the complete recorded minutes are available for review on the commission's website at [http://www.mdt.mt.gov/pubinvolve/trans\\_comm/meetings.shtml](http://www.mdt.mt.gov/pubinvolve/trans_comm/meetings.shtml). You may request a compact disc (containing the audio files, agenda, and minutes) from the transportation secretary at (406) 444-7200 or [ldemont@mt.gov](mailto:ldemont@mt.gov). Alternative accessible formats of this document will be provided upon request. For additional information, please call (406) 444-7200. The TTY number is (406) 444-7696 or 1-800-335-7592.

Chairman Kennedy called the meeting to order at 8:30 am.

After the pledge of allegiance, Commissioner Howlett offered an invocation.

### Agenda item 1: Approve minutes from past meetings

- a. *November 1, 2005 – regular meeting*
- b. *November 14, 2005 – telephone meeting*
- c. *November 18, 2005 – TCP approval*
- d. *December 7, 2005 – regular meeting*
- e. *December 12, 2005 – telephone meeting*
- f. *January 25, 2006 – regular meeting*
- g. *February 6, 2006 – telephone meeting*

Frazier offered a correction to the commission discussion item of the January 25, 2006 minutes. He said there are actually plans for three signals on US 93 through Pablo at the following intersections:

- US 93 and Division St
- US 93 and Clairmont St
- US 93 and Courville Rd

Commissioner Griffith moved to accept staff recommendations to approve the minutes for November 1, November 14, November 18, December 7 and December 12, 2005, the corrected minutes for January 25, and the minutes for February 6, 2006; Commissioner Espy seconded the motion. All five commissioners voted aye.

### Agenda item 2: Speed limit studies

- a. *South Montana Street (U 1805) – Butte-Silver Bow*
- b. *MT 40 and US 2 – Whitefish to Columbia Falls (Flathead County)*
- c. *US 87 – Lewistown East (Fergus County)*
- d. *MT 16 – Savage (Richland County)*
- e. *Secondary 222 and X-01312 – Dillon (Beaverhead County)*

Commissioner Espy moved to accept staff recommendations to approve the speed zones as presented (see below); Commissioner Griffith seconded the motion. All five commissioners voted aye.

*South Montana Street (U 1805) – Butte-Silver Bow*

- A 35 mph interim speed limit beginning at the intersection with Rowe Road and continuing south to the intersection with Hansen Road, an approximate distance of 3,000 feet. This will be in place until the study results are complete and additional information is brought to the commission for final action.

Griffith said this seems reasonable, however, we usually have something from the local government. In the future, he'd like to see a letter indicating the chief executive officer has been involved in the decision. Frazier said we usually do, but in this case, what we have is this e-mail. Bear in mind this is an interim speed limit.

*MT 40 and US 2 – Whitefish to Columbia Falls (Flathead County)*

A 60 mph speed limit recommendation was presented to Flathead County officials for review and comment. A letter was received from Flathead County Commissioners concurring with the proposed 60 mph speed limit. As part of their comments County officials have also requested a 60 mph speed limit on the east end of Columbia Falls to the intersection with Secondary 206. => We will study this area, gather comments and report our findings this spring.

*MT 40*

- A 60 mph speed limit station 0+00, project F 100(11) (intersection with US 93) and continuing east to station 231+00 (intersection with US 2), an approximate distance of 4.5 miles.
- The above recommendation encompasses the MT 40 portion of the study area, a portion of which already has an approved speed limit of 60 mph.

*US 2*

- A 60 mph speed limit beginning at station 231+00, project F 38-1(5) (intersection with MT 40) and continuing to station 279+00, an approximate distance of 4,800 feet.
- This recommendation for US 2 also encompasses a segment that already has a 60 mph speed limit in place.

*US 87 – Lewistown East (Fergus County)*

The information gathered in this study supports local desires for a reduction in the 70 mph speed limit in front of the BLM complex. There is good visibility on and along the roadway for successful operation at the existing travel speeds. Based on the inbound 85<sup>th</sup> percentile speed and the pace of the traffic stream as it passes by the complex in both directions we recommend introducing a new 55 mph speed limit on the east end of Lewistown.

- A 55 mph speed limit beginning at station 31+00, project FAP 229-D (1,700 feet east of the intersection with Marcella Avenue and continuing east to station 44+00, an approximate distance of 1,300 feet.

*MT 16 – Savage (Richland County)*

There was a great variety of speeds in the study data. Because the community is primarily orientated along one side of the roadway and the available sight distance for trucks accessing MT 16 from county road #107, we recommend reinstating a 55 mph speed limit that was originally in effect when the two-way-left-turn lane was put into operation with the intent of promoting additional uniformity in the travel speeds and motorist recognition of the community.

- A 55 mph speed limit beginning at station 145+00, project EHS-F-RF 245(26) and continuing north to station 182+00, an approximate distance of 3,700 feet.

- As part of the speed limit recommendation we also recommend that the sign panel size be increased to 36” x 48”.

*Secondary 222 and X-01312 – Dillon (Beaverhead County)*

Based on our investigation we submitted the following recommendations to establish an official special speed limit configuration for the transitional and semi-developed area south of Dillon and a 60 mph speed limit along the remaining rural portion of the route. Beaverhead County officials have concurred with the following recommendations. Their comments are attached.

*Secondary 222*

- A 35 mph speed limit beginning 500 feet south of the intersection with Atlantic Street (as currently posted) and continue south to station 14+50, project FAP 255(A) (the south side of the intersection with Blacktail Road), an approximate distance of 1,250 feet.
- A 45 mph speed limit beginning at station 14+50, project FAP 255(A) and continuing south to station 24+00, an approximate distance of 950 feet.
- A 60 mph speed limit beginning at station 24+00, project FAP 255 (A) and continuing south to 103+00 (at the intersection with the Interstate 15 Jackson Interchange), an approximate distance of 3.1 miles.

*X-Route –01312*

- A 60 mph speed limit beginning at station 103+00, project I 15-1(27), and continuing south to the end of the frontage road, an approximate distance of 5.4 miles.

Commissioner Howlett asked if, on these requests for extension of speed limit study area, we should consider a reduced interim speed limit while we are waiting for the results of the study. Lynch said I think that is what we are doing, e.g. the speed limit we looked at earlier in Butte. Our traffic staff does a good job of evaluating speed zones on a case-by-case basis.

Reardon pointed to the effort made by the traffic staff in the Savage study. There was a lot of analytical thought beyond the pure numbers that went into the recommendation. The law reads that you base your decision on the studies, but are not required to follow it to the letter. Loran’s staff did a really nice job of writing this up for you.

**Agenda item 3: Nine seal-and-cover/crack-seal projects in Great Falls**  
*Great Falls Urban System Maintenance – UPN 6124*

Straehl said that since 2000, Great Falls has allocated \$75,000 annually for seal-and-cover/crack-seal work on their urban system roads. They are the only urban area that sets funding aside for incremental pavement preservation work.

The following sites have been identified for the Urban System Maintenance Program, funded by the accumulated local set-aside from Surface Transportation Program Urban (STPU) funds:

AREA	ROUTE	DESCRIPTION	BEG RP	END RP	SCOPE	EST COST
1	U5217	25 <sup>TH</sup> St S- Central Ave to 10 <sup>th</sup> Ave S	0.8	1.6	SC/CS	\$32,699
2	U5219	38 <sup>th</sup> St N-7 <sup>th</sup> Ave N to NE Bypass	1.3	1.9	SC/CS	\$26,575
3	U5219	38 <sup>th</sup> St S-10 <sup>th</sup> Ave S to 4 <sup>th</sup> Ave N	0.0	1.1	SC/CS	\$47,293
4	U5225	14 <sup>th</sup> St SW-Acacia Way to 13 <sup>th</sup> Ave SW	0.7	1.8	SC/CS	\$63,914
5	U5226	26 <sup>th</sup> St S-City Limits to 10 <sup>th</sup> Ave S	0.4	1.0	SC/CS	\$52,494
6	U5226	26 <sup>th</sup> St S-10 <sup>th</sup> Ave S to Central Ave	1.0	1.8	SC/CS	\$34,188
7	U5234	1 <sup>st</sup> Ave S-Park Dr to 10 <sup>th</sup> St S	0.0	0.7	SC/CS	\$50,385
8	U5236	2 <sup>nd</sup> Ave S-7 <sup>th</sup> St S to Park Dr	0.7	1.1	SC/CS	\$36,954
9	U5238	9 <sup>th</sup> St NW-Central Ave W to NW Bypass				\$25,508

					Subtotal	\$370,010
		Engineering at 15%				\$ 55,501
					<b>Total</b>	<b>\$425,511</b>

Staff is requesting authorization to proceed with preliminary engineering for the projects. It’s expected that construction will happen in 2007. If it’s ready earlier, we will work hard to make the adjustments to allow it to happen in 2006.

Commissioner Kottel moved to accept staff recommendations to approve programming the nine seal-and-cover/crack-seal projects in Great Falls on their urban system; Commissioner Griffith seconded the motion. All five commissioners voted aye.

**Agenda item 4: PE for culvert replacement project in District 4**

Straehl said this agenda item is to program preliminary engineering only to investigate the magnitude of culvert degredation in the Glendive district. Glendive district staff are concerned about the corrosivity of the native soils and the potential impacts on culverts, which, if they fail, could cause roads above them to collapse. We will return with a more complete request once the results of the investigation are in.

Kennedy asked if this came about as the result of a culvert failure. Straehl said no; she had asked that question and was told the maintenance crews had raised this concern.

Howlett asked what we would use by way of replacement. Frazier explained that there are different conditions out there. Some soils are corrosive to steel, some are reactive to concrete and will deteriorate it over time. To overcome this, there are several treatments: one is to use a bituminous coating on the culvert, another is a zinc coating (galvanizing), and another is aluminized pipe. Steel pipes are convenient because they can be installed in big pieces, but I’ve learned that they aren’t the answer for everywhere. The Butte district probably has some of the hottest soil in the state, especially down by Lima.

Kennedy asked how many years we usually get out of a culvert. Frazier said we design for 70 years. Lynch said when these culverts were installed, they probably weren’t designed for that longevity, and folks then probably didn’t know as much about soils as we do now.

Commissioner Espy moved to accept staff recommendations to approve the programming of \$250,000 for preliminary engineering to identify failing culverts in the Glendive district; Commissioner Griffith seconded the motion. All five commissioners voted aye.

**Agenda item 5: CTEP project on King Avenue in Billings**

*Bannister Drain Trail*

Straehl said this enhancement project would construct a 10-foot wide hard surface bike/pedestrian trail for about half a mile. It does cross an urban route, therefore is being brought to the commission for action. The project cost is estimated at \$384,328.

Kennedy noted this is part of our whole trails project in the Yellowstone County.

Commissioner Griffith moved to accept staff recommendations to approve the addition of this CTEP project – *Bannister Drain Trail* in Billings – into the program; Commissioner Kottel seconded the motion. All five commissioners voted aye.

**Agenda item 6: Circuitry upgrade at two railroad crossings**

*Secondary 518 – East Helena*

*Greenough Drive – Missoula*

Straehl said this would add two railroad circuitry upgrade projects to the program. Both are along Montana Rail Link lines. The circuitry upgrades are done cooperatively with the rail lines and are prioritized based on usage and exposure. We would pay for materials and labor and MRL would be responsible for construction. There is a placeholder in the 2005

Tentative Construction Program for these projects so there would be no change in the TCP. Total estimated costs are \$204,000.

Kottel asked for clarification on what circuitry upgrades are. Straehl said in these cases, it is for improving the electronics in existing crossing equipment.

Commissioner Howlett moved to accept staff recommendations to approve the addition of these two railroad crossing circuitry upgrade projects into the program; Commissioner Griffith seconded the motion. All five commissioners voted aye.

### **Agenda item 8: Scour repair to three Gallatin River bridges east of Manhattan**

*Interstate 90 – east and westbound at reference post 292.425*

*Secondary S205 at reference post 14.518*

Frazier said we have had a project under design by the name of *D2-Scour* that has already been approved by the commission. Based on some data we received just after Christmas from the USGS, and the higher than normal snowpack, we realized these three bridges need attention before high water this spring. We are moving ahead with an exigency project to try and get protection in place for the piers of these three bridges before high water.

Frazier held up a cross-section diagram of the river and showed where the river channel has been scoured down to the point that some of the bridge footings are exposed. The pier of the bridge rests on the footing. The river has been digging holes in the riverbed. This brings concern that the river could take out the bridges.

We have been ordering the materials so that we can provide those to the contractor, to give them a head start. We are aiming to have information ready for you at your March 6 conference call for formal action. The notice to proceed would be issued the same day.

Kennedy expressed amazement at the ability of staff to move this forward so quickly.

Kottel asked if we had the authority to close the bridges if the work cannot be performed and how the situation is being monitored. Frazier said we have rods in the water showing the levels of 25-year flood level and a 50-year flood level, and are monitoring it daily. We will have someone there 24 hours a day when the water starts to rise. We have emergency procedures in place and would close it if necessary. We are also targeting the upstream bridge first, and working downstream from there.

Espy asked if timeframes are specified in the project contract. Frazier said we have specified an end date, and advertised this as an A+B contract (contractor bids on materials/doing the work *and* time). The high water normally peaks around the third week of May, so we have specified timeframes to take that into account.

Commissioner Griffith moved to accept staff recommendations to approve the accelerated schedule for advertising, letting and repair of the three bridges over the Gallatin River east of Manhattan; Commissioner Espy seconded the motion. All five commissioners voted aye.

### **Agenda item 9: Letting lists**

Frazier distributed copies of the most recent letting lists for February through September 2006. Something to note is that between January, February and March, we are having a record quarter for our department.

Commissioner Espy moved to accept staff recommendations to approve the letting lists for February through September 2006 as presented; Commissioner Howlett seconded the motion. All four commissioners voted aye. (Griffith absent.)

Lynch noted that we have changed the way we are bidding projects: we are putting out large lettings in the wintertime. The feedback from the construction industry so far is good. By advertising early in the year, it gives contractors more time to plan for personnel and

equipment. We hope this will also allow contractors to start earlier in the spring and complete projects in one season rather than spreading the work over two construction seasons.

From a private sector standpoint, before I became director, I never could understand why the department would bid out large projects in June and July. The contractor is automatically put in a position of working over two years.

=> Kennedy confirmed that he has heard a lot of praise from contractors in his area and asked Lynch to pass along compliments to staff.

Espy said the public is also aware of this and I've heard several positive comments in regard to this change.

Kottel asked if it was advantageous to a construction company to bid on similar types of projects in an area; could they get several contracts, and therefore lower the costs, or is it more advantageous to have similar types of projects sequenced in an area over a period of months so someone could internally bid more projects and then move from project to project. Lynch said yes it does. Our letting lists are primarily driven by when projects are ready. We put projects together that facilitate a bid letting, not necessarily a contractor.

Frazier noted that a couple of projects are tied for contract purposes. By tying them together, we create a larger project to attract some competition.

Howlett said I think it would be advantageous to notify the public when we have a project coming through. Often the public doesn't know until they see machines moving in and starting to move dirt.

Lynch said I agree wholeheartedly and we are making efforts toward that end. It is good public relations to let people know what's going on.

Kennedy recognized the department has changed in this area. In my area, Bruce Barrett goes out of his way to make sure that people affected by a project get a letter in the mail. There is also publicity in the media. People are more informed and more aware of road projects, and are following them. We get much better attendance at public meetings than we used to.

Lynch pointed out that Billings has an MPO (metropolitan planning organization). What Kevin is referring to is towns that don't have that. They are at a disadvantage in terms of planning. We have made some major changes in how we're alerting those communities, e.g. with the residents of Blue Slide Road [near Thompson Falls].

Espy said Ray Mengel does a great job for us, but what I hear people comment on is the lapse of time between the initial public hearings and the time of construction. Their only clue might be stakes appearing on the side of the road. I think we should have another public hearing closer to the time of construction. Lynch said some kind of notice to the community would be beneficial.

Kennedy said it's taken a while to get the press to see that it's worthwhile and that people actually read articles on road projects.

Kottel asked if a simplified development timeline for each project could be posted on the Internet, both to make the whole process transparent and also as an educational mechanism to show how long it takes a project to be developed. Lynch said it's important for people to understand, but cautioned against doing that. We are doing things to speed some projects up, and people could rely on it in a negative way ("I wasn't expecting this for the next two years!") Straehl said there is a simplified brochure that's on the Web and is also made available at public meetings called *Building a good road takes time* that explains the project phases and timeframes in a general way. Espy said I carry those with me all the time; it helps answer a lot of questions.

Griffith said we have two issues: project scheduling from start to finish is probably more of interest to local government, then the notification that construction is ready to proceed is more of a public necessity. I agree with Bill. We have a very good construction report in the Butte newspaper that lets us know if something is closed or limited.

Kennedy said our Billings local TV road reporter will use the information he has. If it's not correct, he ends up giving out wrong information, and we end up fielding the phone calls. We now have a contact person and have gone out of our way for the reporter to have correct information.

Reardon said one of the side benefits of getting more projects out in early in the year, I think we will see the litigation side of right-of-way become less of an issue in terms of delaying projects. It will also take pressure off the negotiations.

Griffith asked about condemnation. Reardon said we could get a "grant of possession" which will allow us to certify right-of-way to the federal government, which allows us to move forward with the project. Historically, this process has worked very well. The problem that's coming up is you still haven't established the value of that parcel. You are still under the gun to close the deal. After you've built the project, the price goes up. I like to close the right-of-way out before we start turning dirt. We are headed towards that goal. The process is somewhat convoluted and I would really like to see a shortened process in the court system.

### **Agenda item 10: Certificates of completion for December 2005 and January 2006**

Frazier presented certificates of completion for December 2005 and January 2006 worth a total of \$35,818,973.

Commissioner Espy moved to accept staff recommendations to approve the certificates of completion as presented; Commissioner Griffith seconded the motion. All five commissioners voted aye.

### **Agenda item 11: Project change orders**

*December 2005 = \$1,218,022.38*

Frazier said there are a lot of change orders involving traffic control. Espy asked why that happened. Frazier explained that on *Dutton N & S*, we estimated it would be a two-season project, however, the project is now entering its third season, and additional traffic control is needed in the amount of \$365,000.

Another large change order (\$552,000) was *Polson-East*, where we had accelerated construction and staff said we had to provide quite a bit of traffic control for utility work in a built-up area. We did not estimate well the amount of utility work that would need to take place during construction. We simply missed the mark on that.

Commissioner Howlett moved to accept staff recommendations to approve the project changes orders in the amount of \$1,400,913.91; Commissioner Espy seconded the motion. All five commissioners voted aye.

### **Agenda item 12: Liquidated damages**

- a. \$2,624 assessed on project STPP 51-3(3)60 *Sidney-West* (Wickens Construction Inc. of Lewistown)
- b. \$1,192 assessed on project STPHS-BR 5809(4) *N Montana Ave – Turn Lane* (Helena Sand & Gravel Inc. of Helena)
- c. \$12,467 assessed on project MT 323-1(22)60 *Alzada-North-Phase II* (Prince Inc. of Forsyth)
- d. \$8,344 assessed on project NH-CM 60-2(62)91 *10th Ave S – 26th to 38th – Great Falls* (United Materials of Great Falls)
- e. \$5,960 assessed on project CM 5215(1) *13th St S – 10th to 21st St – Great Falls* (United Materials of Great Falls)

- f. \$4,515 assessed on project STPS 219-1(2)0 *Pendroy – E & W* (Schellinger Construction Co. Inc. of Columbia Falls)
- g. \$3,365 assessed on project CM 6714(5) *Center St – Kalispell* and CM 6715(2) *2<sup>nd</sup> – Meridian to 3<sup>rd</sup> Ave E – Kalispell* (Schellinger Construction Co. Inc. of Columbia Falls)
- h. \$2,342 assessed on project SFCS 352-1(6)0 *Dayton – Lake Mary Ronan* (Schellinger Construction Co. Inc. of Columbia Falls)
- i. \$22,648 assessed on project NH 22-3(8)81 *Culbertson – North &* NH 22-3(9)88 *Culvert – N of Culbertson* (Riverside Contracting Inc. of Missoula)

The contractors have been notified; there has been no contest of the liquidated damages assessment.

The commission took no action therefore the liquidated damages stand as assessed per the contract.

### **Communication with local government**

No one from local governments was present.

After the break, Kristina Davis from Senator Baucus' office introduced herself as the new staff person from Great Falls. One of the areas she will be working with is transportation. She said we are committed to \$2.3 billion over the next five years.

Denise Smith from US Senator Conrad Burns' office said we are busy with the appropriation cycle for 07, and will keep working hard on your behalf. She commended Sandy [Straehl] and Jim [Skinner] for doing a great job of getting applications in.

Kennedy offered his appreciation on behalf of the commission.

Kennedy proffered an invitation to attend the Montana Association of County Road Superintendents (MACRS) conference during the first week of April.

### **Agenda item 7: Request to name new bridge in Hamilton Delegation**

Representative Gary MacLaren introduced Alex Imenoff of American Legion #91 in Corvallis, Edna Nasca of VFW Post 1430 in Hamilton, Dan Myers, president of the Bitterroot Vietnam Veterans of America Chapter 39, and Jerry Esmay of American Legion Post 94 in Stevensville. MacLaren acknowledged Alex for coming up with the idea of acknowledging all veterans, present and past, by naming the new bridge on US 93 in Hamilton "The Veterans Bridge."

Representative Bob Lake stood in support of naming the bridge in honor of veterans. All of us here are veterans. The current bridge is named the Silver Bridge. The new bridge is going to be a very pretty bridge.

Dan Myers stood in support of the idea. Jerry Edna stood in support of the idea and noted there is a bridge in Idaho so named.

Lynch said the agenda write-up says the department doesn't have a recommendation. However, I would like to honor the request to name the bridge.

Howlett said this is a great thing. In addition to us naming it, we ought to put some kind of marker for the public to see as they drive by so they can understand why we're doing this.

Commissioner Howlett said it is my privilege and honor to introduce a motion to name the new bridge on US 93 in Hamilton "The Veterans Bridge"; Commissioner Griffith seconded the motion.

Espy said in the past we have required the requesting entity to prepare and pay for the sign. Lynch asked that the veterans groups work with the department to make sure their design conforms to our standards. Espy said I would like the sign to be large enough. Frazier



noted that the bridge is scheduled to be completed this construction season, unfortunately, because of some legal issues, we don't have a road to it yet. Kennedy said we would like to be there when you do your dedication.

Kottel asked some questions regarding what level of general community discussion had been involved in this request. She asked the delegation if they were aware of any opposition from the community. MacLaren said it was discussed primarily among the veterans' organizations and they hadn't done anything in the general community. Lake said there was an article in the paper, and he didn't receive any phone calls after it was published. He visited with some people downtown, and one of Ravalli's county commissioners and they were very supportive. MacLaren said I got several positive responses as a result of the newspaper article.

Kottel asked if there was any significance to the naming of the Silver Bridge and what ramifications there might be if that name was abandoned after the old bridge is removed. MacLaren said he wasn't aware of any significance to the name; he thought the bridge had become so named because it is silver in color. Lake said that name was used to distinguish it from the red bridge on the west side of town.

The veterans groups present were asked to work with MDT to ensure their sign meets our standards. They will fund the design and production of the sign. We will install and maintain it.

=> Representative Lake will work with Director Lynch on setting up a dedication ceremony and celebration.

All five commissioners voted aye.

### **Agenda item 13: Set conference call time to make expedited award of the two Highway 93 bond projects slated for March 30th bid letting**

Commissioner Griffith moved to accept staff recommendations to set an additional conference call for April 3 at 9 am; Commissioner Espy seconded the motion. All five commissioners voted aye.

### **Agenda item 14: Educational item**

- *Secondary roads – history, funding, etc.*
- *Safe Routes to Schools – new category of funding under SAFETEA-Lu worth \$1 million*

Jim Currie had another meeting to attend today, therefore the secondary roads presentation will be postponed until the next commission meeting.

#### *Safe Routes to Schools*

Straehl said we've had a bike/pedestrian coordinator on staff since about 1992/1993. A lot of what this position does is training and coordination of "walk to school days" and develops information that can be handed out to improve safety for school children and others. She distributed a brochure called *Walk & Ride Safe* as an example.

There is a \$1 million program in the new federal transportation bill. We are a minimum apportionment state, which means we will receive a consistent \$1 million each year of the bill. There are three principle components:

1. *Facilities:* construction of bike/ped paths within a two-mile distance of elementary or middle schools. This is the largest component of the program at \$700,000.
2. *Behavioral:* \$100,000 – 300,000 (10-30% of the program), e.g. training, assessments, enforcement
3. *Coordinator* – the bill requires us to hire a coordinator for the program. This will come out of the \$700,000 facilities portion.

Rather than creating a whole new program, we would like to incorporate this into our existing CTEP program. Since the hard side is so closely aligned to the enhancement program in terms of the delivery of locally supported bike and pedestrian facilities. Roughly

half of the CTEP program right now goes to bike and pedestrian facilities. What we're hoping to do is use 100 percent of this federal money to incentivize choice in the enhancement program and urge local governments to choose projects that are closer to schools and that are inside of that two-mile radius. The prioritization of that has not been defined yet. Staff is working with FHWA to come up with a program that addresses foundational issues. For example, internal circulation at the school, circulation directly adjacent to the school, additional amenities such as traffic calming.

There are 816 school buildings in 405 school districts across the state. If we did an allocation that distributed money to all of the school districts, each of the school districts would get about \$1,700, which isn't enough to amount to anything. We want to marry this money up to the enhancement program, where we already have about \$3 million going out the door for bike and pedestrian facilities and use this money to encourage local and tribal governments to choose those projects that are accommodating or close to schools. The theory is that we will make enhancement dollars go further, and make the safe routes to schools infrastructure money go further.

We're also planning to use programs already in place at the department on the behavioral side, through the Governor's Highway Traffic Safety office. Jim Lynch is the Governor's highway traffic safety officer. They already have behavioral programs and educational programs being deployed in communities with law enforcement. We want to try to utilize the network they already have in place.

We have an RFP out to look for the coordinator. We are hoping to find a qualified individual or group that has direct experience working with the school districts, and has understanding of how school districts make decisions. We hope to have someone hired by the end of April.

We don't want to be giving out such small amounts of money that it doesn't result in anything. We want to find a way to leverage this \$1 million a year into something that utilizes things that are already in place and adds cumulatively to those things that we already have to move forward. With \$700,000 per year, we could probably have about 35 grants in the \$40-50,000 range. A \$1 million is a fairly small program and we want to try to also minimize the administrative burden and the overhead. To set up a separate office for a million dollar program is not cost-effective. We think of it as "CTEP-Plus."

Lynch said we don't have rules from the feds yet.

Kennedy said I like the criteria you're using.

Kottel asked who the appropriate legal entities are that can apply for this. Straehl said the local and tribal governments that are eligible to apply for the enhancement program. There has to be an entity that's willing to maintain the final product. There will be a minimum project size of \$10,000 to justify the costs associated with overseeing a Federal-aid project. This will be a reimbursement program not a grant program; a check doesn't arrive in the mail.

Lynch clarified that a school or community group would need to work with the appropriate local government.

=> Kennedy requested an update once the program is fully defined. Straehl said she appreciated the commission's interest and willingness to carry the message home, however, she would appreciate any technical questions being directed to her office.

Kennedy requested several copies of the *Walk & Ride Safe* brochure to take back home.

Joe Littlefield, a member of one of the neighborhood councils in Great Falls, described his activities with school zone safety. In an effort to lower speeds through school districts, he worked with state Senator Trudi Schmidt to get a bill passed to double fines in school zones. He thought further clarification is needed regarding what constitutes a school zone. He referred to MCA §61-8-202, which says the department of transportation will "adopt a

manual for a uniform system of traffic control [MUTCD] devices consistent with this chapter for use upon highways within the state.” He said MCA chapter 7 defines a school zone as 200ft from the closest crosswalk and/or 100 ft from the school property line.

He said his efforts to get the driver’s manual changed to include information about school zone safety have been unsuccessful. Staff at the department of justice indicated the state doesn’t want to get involved in dictating to local communities how they should run their business. Littlefield agreed that the local authority should have some say, but believes the state should set a minimum standard and let the local authority interpret it and work it into their areas. He was willing to pursue additional legislative action if need be, so that young adults gaining their license would have to study the basic standards of behavior for driving through a school zone. He had pursued legislation for doubling fines in school zones. It was his intent that the additional fines would go to the local authorities that write the tickets. They could then take the money and use it locally to increase signage, install traffic-calming devices, redesign the area, or other items to help improve safety in school zones. The legislation passed in 2005.

Kottel summarized the issues:

- 1) There is no state statute that sets forth a uniform minimum for what a school zone is.
- 2) The Montana driver license manual doesn’t include any information under “rules of the road” about school zones.
- 3) The driver’s education program sponsored by OPI do not include any instructional material having to do with proper safety or awareness of what to do within a school zone. Littlefield didn’t know the answer.
- 4) The test for a driver’s license doesn’t include questions regarding school safety.

Lynch said the manual is under the jurisdiction of the department of justice (DOJ). The education is under the Office of Public Instruction (OPI), however, the legislation that dates way back puts the responsibility of education on the department of transportation. That’s something that needs to be cleared up. The Patrol Board used to set the speed limits before there was a highway department.

Kennedy wondered if it would be helpful for Mr. Littlefield to write a letter to MDT, DOJ and OPI. That could be a catalyst to discussions and potentially legislation, if it’s deemed necessary.

⇒ Lynch said he would review Mr. Littlefield’s recommendations and would advance recommendations to other state agencies as appropriate.

Kottel asked if Lynch couldn’t advance the ideas personally at a cabinet or person-to-person level.

The MUTCD describes how a school zone should be signed, but doesn’t specify what a school zone is. Espy noted that all the signs in the world don’t mean anything unless they’re enforced.

Littlefield said it is the practice of the Great Falls police department that they don’t stop anybody unless they are traveling 10 miles over the posted limit. I think that’s somewhat universal. The chief has regrouped a bit and dropped it to 8, at the officer’s discretion.

Griffith asked about the MUTCD. Reardon said it has been adopted as state law. Reardon said the commission’s jurisdiction extends to the roads that pass through or adjacent to a school. Beyond that, it’s up to the local authorities and they do have the authority to adopt ordinances. If they want to set speed zones that are outside of your purview and your authority, they can do that. They do need to sign it in accordance with the manual, which applies to the size, height, and location of the sign. It’s important to differentiate where the Transportation Commission’s authority begins and ends. In most cases, the commission won’t have authority over the roads that go by schools. Every speed study proves the hypothesis that drivers pick a speed that is comfortable and appropriate. He noted that the mere presence of an enforcement vehicle causes drivers to brake.

=> Kennedy asked Lynch to look into this and pass the information along to the appropriate parties.

Griffith said the issue seems like it's one of education.

Lynch said he would look over the information, get hold of our traffic safety staff, and see what we can do. Straehl suggested the comprehensive safety plan would be a good forum as well.

### **Agenda item 15: Commission discussion**

Lynch offered updates on the following topics.

#### **Helena South Interchange**

We have put together a successful process for working with multiple entities on a project, and we will use it with other such projects, such as the Belgrade interchange.

#### **“Four-for-two” (US Highway 2)**

Where we need to do an EIS, which must be done without a preconceived idea of the outcome, we often spend millions of dollars and may end up with a recommendation that is unfundable or the community doesn't want. We are doing a feasibility study on US 2. It allows us to look at what we could expect if we built a certain road, both in terms of potential economic development and obstacles. The time frame is relatively short: 6 months. What we're hoping to learn out of this, is identify early on, roadways that we know need to be constructed in the future, and what some of the obstacles might be before we actually start the environmental processes. It allows us to look at some “what if” scenarios. We're hoping this will save the state of Montana money.

Kennedy asked if the folks on the Hi-Line understand that we don't have all the money in the world to go in and do these projects. Lynch said he thinks they do, but, like everyone in the state, they feel their project is the most important project. Lynch said this is the brain child of Sandy [Straehl] and we would like to use this feasibility study process on other high profile projects so that we aren't wasting a lot of time and energy on projects that, by the time we've finished the environmental document, it's 20 years before we can build it, and the environmental document goes stale and has to be revisited.

Lynch offered to bring his PowerPoint presentation about what's involved in a project's development out to communities. It fosters understanding and then people want to help.

=> Kennedy asked Lynch to do the presentation for the commission at their next meeting.

#### **IRR program**

Lynch said we are still doing research on this.

=> Kennedy asked for information about what has come up regarding negotiations with the tribes. Contractors are interested in the information to know what TERO fees will be assessed, what gravel sources are required, etc. Lynch said he would bring in the most recent MOU negotiated, which is with the Crow Tribe.

Howlett noted that federal highways and railroads went through reservations without the consent of the tribes, and that continues to be a point of contention. The railroad, when it came through, enjoyed all kinds of federal protections, which it enjoys to this day. So, when they begin moving hazardous materials, along live streams, that could potentially be an environmental disaster, the tribe is absolutely powerless to do anything. Those are enormous protections granted to corporate entities.

Howlett said this department and this state continues to be a flagship because of the negotiations that occurred with the development of US 93 on the Flathead Reservation, and the principles that were reached during those negotiations. This state is leading the nation is how it deals with Indian people because we have established the framework of the issues that must be considered for a road to go through an Indian reservation; we did that on US

93. My expectation is that no project in the state would be done with any less enthusiasm and dedication than was done with the US 93 projects on the Flathead. That's the standard that we set. We should be considering the values and beliefs of the people whose land we are crossing with our highway. We want the road to be a part of the land, not an invasion of the land, so how do we design it. This should be commonplace practice.

Lynch said Kevin is absolutely correct. Our agency has evolved over the years from "design, build and defend." The environmental process facilitates exactly what Kevin is talking about: everyone's concerns are addressed.

Kennedy addressed a question with projects run by the BIA, and confusion as to whether their purpose is to improve safety or to create jobs. Howlett said you are beginning to understand the level of beauracracy we have to deal with. Lynch said it's no different that if a road was coming through the Lynch family farm and I had three unemployed sons, I would see the opportunity for them to be employed on the project.

Howlett clarified that the BIA doesn't speak for the tribes.

=> Lynch said he would bring a copy of an MOU and a PSA and explain those. Lynch said we employed over 100 Native Americans last summer on jobs in the Blackfeet Reservation. => Kennedy asked for more details regarding employment generated on the other reservations. He referred to Senator Baucus as saying over 11,000 would be created with the new highway bill.

#### *MPO presentation*

Straehl asked if the MPO training presentation in Billings was useful. Kennedy confirmed that it was exceptionally helpful and has generated significant discussion. He recommended the presentation be made available to the other MPOs in the state.

#### *Seatbelt usage*

We have a major problem in the state that wasn't addressed in the 2005 legislature: the use of seat belts. Lynch said I have the unfortunate duty of reviewing the fatality rates for the state every month. I see their names, I see their ages, and I see the cause of the accident. About 80 percent of the population wears their seatbelts. States that have a primary seat belt law see a usage rate of 10 to 15 percent greater than those that don't. From October 2005 through January 2006, an average of 75% of the fatalities were not buckled up. That's a direct tie: people are dying on our highways because they're not buckled up. We need to try and generate a cultural change.

Kottel asked if the seatbelt law is written so that a person is not in violation if there are no seatbelts available, which is what allows people to drive with children in the back of a truck, for example. Lynch said there is no restriction on the number of people in a vehicle. If there are six seatbelts in a vehicle, and all six are in use, but there are ten people in the vehicle, they are not in violation. We will be attempting education through advertisement. One of the big issues we want to address is that one unbuckled person in a vehicle can kill the rest of the vehicle's occupants in an accident. The biggest violators are age 18-34. Paul Grimstad and I are putting a program together that we will take to the road. We want to cover seat belt usage, traffic safety, speed zones, driver behavior in construction zones, etc. We have a problem in Montana; our death tolls are not going down.

=> Kennedy asked Lynch to send him a letter so Kennedy could give him a speaking slot at the MACO conference this fall.

#### *Open container legislation*

The legislature has asked me to report back on the impacts of the bill banning open containers in vehicles. Although it's probably too early to come to any conclusions, I'm happy to report that alcohol-related fatalities prior to the enactment of the law were at 47 percent and the average since then (which includes the holidays) is 36 percent.

### *Project photos*

Espy commented on the photo displays of last year's construction projects. Kottel asked if a particular photo was digitally available. Straehl noted that many photos are available on the department's web site.

### *Commissioner Griffith's items*

One of the issues that bothers me is the thought that some communities have that a getting a consultant can speed up a project. When communities have this perception, I think the MDT employees get a bum rap. Do we need to add more employees or consult out more design work? Lynch said there are many factors that affect the speed with which a project is developed; when I give you my presentation, it will help.

Griffith said we need to get rid of the perception. Lynch said we contract out \$27 million worth. Kennedy said we don't have timelines for the consultant design contracts like we do in the construction contracts with liquidated damages. Sometimes firms take in more work than they can handle, but there is no consequence if they are late.

Lynch said another issue that angers the public is public meetings that are scheduled and cancelled (referring to consultant-driven meetings, not MDT-driven meetings).

Kennedy said he would like to see consultants doing coordination with the local government to make sure they can attend the public meetings, or get on their agenda.

Lynch said we deal with 22 different agencies in the course of developing a typical project.

Kottel asked about including penalty clauses in consulting contracts if they don't meet certain appropriate deadlines. Currie said the consultant selection board is looking real hard at consultants that aren't delivering either in time or quality. We have fired three consultants in the last year or so for being late or because of quality issues. Frankly, we are running out of consultants! We can explore putting penalties in the contracts. I can tell you if there is a consultant not doing a good job, we're not going to hire them again.

Currie pointed out that we can speed projects up all you want, but it's back to the matter that we are using every available dime we are getting from the feds, and state funds. We are not leaving any money on the table. We have matched projects to funding for the next five years. Realistically, if we move projects up, other projects would have to be delayed. The other option is do advance construction, but I don't believe it is fiscally responsible to do that.

Kennedy asked if there is any way to get projects through some of the resource agencies, such as Fish, Wildlife & Parks and the US Army Corps of Engineers, more quickly. Lynch responded that Federal Highways has recognized this as happening nation-wide and we have a group here that is dealing with it. Duman said there is no single problem child out there, nor do we have a single silver bullet that will solve it. There are two sides to every problem, and it's complicated.

Currie, in follow-up to Commissioner Griffith's comment about employees getting a bum rap, noted that things that happened 20 years ago can be very fresh in people's mind. There have been times in the past when our staff did hold consultants up. I don't believe that's happening anymore. We have put our consultant design projects on a project flowchart, with timelines for each activity on the project, and project management to keep the project on track. Our project delivery has improved 100 percent over the past five years, including consultant design contracts.

Lynch talked about the value of having all the players attending discussions to avoid misunderstandings and excuses about project development. Griffith said we need to tell that to local governments; that's where the miscommunication is.

### *Next item*

Griffith asked how we decide what places get weather cameras online. Anaconda called looking for a camera for the dust. I wonder if perhaps ARCO should provide the camera

and we could tie it in to our system. Lynch said he was responding to a letter about the issue => Griffith asked for a copy of Lynch's response to George Niland of Anaconda.

Griffith passed along a compliment from Ted Mathis regarding the condition of Deep Creek Canyon following a snow event on the night of the 22<sup>nd</sup>. => He asked that Mathis's appreciation be conveyed to staff. Griffith said I drive a lot, including through Idaho, Utah and Washington on a regular basis. There is not a single maintenance department that can compete with the work that MDT does.

### **Agenda item 16: Public comment**

Joe Littlefield's comments are noted under agenda item 14.

### **Next meeting**

The next Transportation Commission meeting will begin at 8:30 am on April 13, 2006 in Helena at the MDT building.

Currie apologized for missing most of the meeting.

The meeting adjourned at 12:48 pm.

Bill Kennedy, Chairman  
Montana Transportation Commission

Jim Lynch, Director  
Montana Department of Transportation

Lorelle Demont, Secretary  
Montana Transportation Commission